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ACTION ARA-15

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INFO OCT-01 ADS-00 CIAE-00 DODE-00 PM-05 H-01 INR-10
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O R 082224Z AUG 79
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC IMMEDIATE 4285
INFO AMEMBASSY BUENOS AIRES

ARGENTINA PROJECT (S200000044)

U.S. DEPT. OF STATE, A/RPS/IPS

Margaret P. Grafeld, Director

(☒) Release (☐) Excise (☐) Deny

Exemption(s):

Declassify: (☐) In Part (☒) In Full DECONTROL

(☐) Classify as (☐) Extend as (☐) Downgrade to

Date _____ Declassify on _____ Reason _____

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AMEMBASSY BUENOS AIRES FOR LEGAL ATTACHE

E. O. 12065: N/A
TAGS: POINS, PGOV, CI
SUBJECT: LETELIER/MOFFITT CASE: ORAL PRESENTATIONS CONCLUDED

REF: SANTIAGO 5454

1. SUMMARY: LAWYERS FOR THE PARTIES CONCLUDED ORAL PRESENTATIONS BEFORE THE FIVE-JUSTICE SUPREME COURT PANEL ON AUGUST 7. CONTRERAS' LAWYER WRAPPED UP HIS REMARKS WITH A GENERALLY POLITICAL SPEECH, PORTRAYING THE USG AS USING THE CASE TO GET AT THE GOC, REFERRING TO THE SO-CALLED "PEZZULLO DOCTRINE" (SEE REFTTEL) AND CLAIMING THAT THE USG WAS APPLYING UNPRECEDENTED PRESSURES ON LITTLE CHILE. ON THE EVIDENCE ITSELF, HIS ONLY SUBSTANTIVE POINT WAS TO OBSERVE THE ABSENCE OF ANY STATEMENT FROM GENERAL WALTERS DENYING THE CONTRERAS CLAIM. USG LAWYER ETCHEBERRY AVAILED HIMSELF OF THE OPPORTUNITY TO CORRECT FACTUAL ERRORS MADE IN DEFENSE PLEADINGS WHICH WERE IN TURN REBUTTED BY THE DEFENSE. PRESS COVERAGE WAS MODERATE; THE EMBASSY RESPONSE TO CONTRERAS' LAWYER'S ATTACKS AGAINST THE AMBASSADOR DULY REPORTED. END SUMMARY.

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2. MIRANDA CARRINGTON, LAWYER FOR MANUEL CONTRERAS, USED MOST OF THE EXTRA HOUR GRANTED HIM BY THE COURT TO ASSERT THAT THE

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USG WAS APPLYING UNPRECEDENTED POLITICAL PRESSURES AGAINST CHILE TO GET ITS WAY IN COURT. MIRANDA SAID HE WAS ENTERING INTO THE RECORD TWENTY-TWO PRESS CLIPS REPORTING STATEMENT BY VARIOUS USG OFFICIALS AND LEADING POLITICAL FIGURES TO DEMONSTRATE THE POINT. HE LINKED THESE EXPRESSIONS TOGETHER AS PART OF A POLICY TO OVERTHROW THE GOC, WHICH HE CHARACTERIZED AS THE WORKINGS OF THE "PEZZULLO DOCTRINE" (STEMMING FROM A UPI STORY QUOTING OUR MANAGUA AMBASSADOR AS STATING OUR ROLE WAS TO OVERTHROW SOMOZA). HE ASSERTED THAT IN OTHER POLITICALLY SENSITIVE EXTRADITION CASES (THE WEST GERMAN' ATTEMPT TO GET WAR CRIMINAL RAUFF AND THE ARGENTINE TRY FOR LEADING PERONISTAS), THE REQUESTING STATES HAD NEVER APPLIED SUCH PRESSURES. MIRANDA ASKED RHETORICALLY WHETHER THE U.S. OR ANY OTHER GOVERNMENT WOULD HAND OVER ITS CHIEF OF INTELLIGENCE. HE SAID THAT THE THREE OFFICERS HAD ALREADY UNCOMPLAININGLY SPENT ONE YEAR IN DETENTION WHILE CHILEAN JUSTICE CONSIDERED THE CASE FULLY, THAT THE PEOPLE KNEW DINA MEN TO BE THE GREAT UNSUNG HEROES OF THE GENERATION, AND THAT -- QUOTING LAW SCHOOL DEAN (AND EXTREME RIGHTIST HUGO ROSENDE) -- DINA DESERVED CREDIT FOR BRINGING SECURITY TO CHILE.

3. MIRANDA SPENT LITTLE TIME ON THE MERITS OF THE CASE. HE QUOTED FROM AN ALLEGED MESSAGE FROM GENERAL OROZCO TO THE CHILEAN MILITARY MISSION AT WASHINGTON IN APRIL, 1978, APPARENTLY REQUESTING THE MISSION TO VERIFY WHETHER GENERAL WALTERS HAD INVITED THE CHILEANS TO GET FROM HIM A LIST OF SYMPATHETIC AMERICANS. HE OBSERVED (INCORRECTLY) THAT THERE IS NO EVIDENCE -- EITHER IN THE OROZCO FILE OR FROM THE USG -- THAT GENERAL WALTERS HAS DENIED HIS CLIENT'S CLAIM.

4. USG LAWYER ETCHEBERRY ASKED THE COURT FOR TIME TO CORRECT FACTUAL ERRORS MADE DURING THE DEFENSE PLEADINGS AND TO STUDY

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WHATEVER DOCUMENTS MIRANDA HAD JUST SUBMITTED. THE COURT INSTRUCTED HIM TO PROCEED IMMEDIATELY WITH HIS NOTES ON THE ORAL PRESENTATIONS AND OFFERED HIM THE CHANCE TO BRIEF THE SENIOR JUSTICE PRIVATELY ON POSSIBLE ERRORS IN MIRANDA'S MOST RECENT WRITTEN SUBMISSION. ETCHEBERRY THEREUPON REFERRED TO EVIDENCE ON FILE THAT FERNANDEZ HAD MADE AN EARLIER TRIP TO ARGENTINA TO GET FALSE ARGENTINE DOCUMENTS AND TO OUR EVIDENCE CONCERNING THE TRAVELS OF LETELIER WHILE FERNANDEZ WAS IN THE U.S. (FERNANDEZ' LAWYER -- INCREDIBLY IN THE FACE OF THE COURT'S OWN EVIDENCE -- REFUSED TO ACKNOWLEDGE THE EARLIER FERNANDEZ TRIP TO ARGENTINA AND INSISTED

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ON HIS EVIDENCE WHICH PLACED LETELIER AND FERNANDEZ IN WASHINGTON FOR ONLY ONE DAY.)

5. ETCHEBERRY HAD ONLY A FEW CORRECTIONS OF FACT REGARDING ESPINOZA AND THEN TURNED TO NEARLY A DOZEN ERRORS AND MISQUOTES IN THE CONTRERAS DEFENSE. ETCHEBERRY NOTED THAT MIRANDA HAD TWICE ASCRIBED TO AMBASSADOR LANDAU STATEMENTS CLEARLY MADE BY PARAGUAYAN SECURITY CHIEF GUANES (GUANES, IN A MESSAGE TO DINA AFTER WE HAD REQUESTED THE PARAGUAYAN PASSPORTS TO CANCEL THE VISAS, SUGGESTED SENDING THE TEAM TO SEE GENERAL WALTERS ON CHILEAN PASSPORTS AND REFERRED TO "MY FRIEND CONTRERAS"). BY PUTTING THOSE WORDS INTO THE AMBASSADOR'S MOUTH, MIRANDA SOUGHT TO SHOW THAT HE KNEW OF THE WALTERS TRIP AND WAS CONTRERAS' FRIEND. ETCHEBERRY ALSO QUOTED FROM THE AFFIDAVITS SUBMITTED BY CIA DENYING TOWNLEY WAS EVER EMPLOYED BY THE AGENCY. LAWYERS FOR BOTH FERNANDEZ AND CONTRERAS HAD CITED THE GAMBINO AFFIDAVIT (ACKNOWLEDGING THAT TOWNLEY HAD BEEN CLEARED FOR AN APPROACH TO BE AN AGENT) AS EVIDENCE THAT HE HAD BEEN EMPLOYED. ETCHEBERRY ALSO REFERRED TO OUR AFFIDIVIT STATING THAT CONSULATES ONLY COPY PASSPORTS WHEN WE HAVE REASON TO BELIEVE SOMETHING IS AMISS (MIRANDA HAD CONTENTED WE PHOTOCOPY ALL OFFICIAL NAD DIPLOMATIC PASSPORTS). AND ETCHEBERRY, REFERRING TO MIRANDA'S ASSERTION THAT THE AMBASSADOR HAD DUCKED OUT OF TOWN TO AVOID ANSWERING QUESTIONS THE DEFENSE HAD URGED THE COURT TO PUT TO HIM, NOTED THAT IN FACT THE COURT HAD ON ITS OWN REFUSED TO TAKE ACTION ON THE DEFENSE RECOMMENDATION. MIRANDA CARRINGTON GLOSSED OVER THESE

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ERRORS, INSISTING ONLY UPON HIS INTERPRETATION OF THE GAMBINO TESTIMONY.

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TO SECSTATE WASHDC IMMEDIATE 4286
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AMEMBASSY BUENOS AIRES FOR LEGAL ATTACHE

6. FOLLOWING THE SESSION, MIRANDA WAS ASKED FOR HIS REACTION TO THE EMBASSY'S STATEMENT THAT MIRANDA'S DAY-EARLIER ATTACK ON AMBASSADOR LANDAU WAS UNWORTHY OF COMMENT AND AN APPARENT ATTEMPT TO DIVERT ATTENTION FROM HIS CLIENT'S INVOLVEMENT IN THE ASSASSINATION. MIRANDA SAID THAT THIS WAS JUST ANOTHER CASE OF THE PEZZULLO DOCTRINE (COMMENT: THEREBY GIVING A PRIME EXAMPLE OF MIRANDA'S STYLE. END COMMENT) ASKED TO COMMENT ON MIRANDA'S ATTACKS AGAINST HIM, ETCHEBERRY SAID HE EXPECTED AS MUCH FROM THE PEOPLE WHO HAD LIAD UNFOUNDED CHARGES AGAINST THREE CHILEAN CABINET MEMBERS SHORTLY BEFORE.

7. PRESS COVERAGE WAS MODERATE. THE MEDIA IGNORED OR BARELY TOUCHED UPON ETCHEBERRY'S RECITAL OF FACTUAL ERRORS. THE EMBASSY STATEMENT WAS ACCURATELY AND WIDELY REPORTED. "MERCURIO," IN ITS FRONT PAGE BOX, STRESSED MIRANDA'S THEME THAT USG APPLYING PRESSURE ON CHILE.

8. NEWSWEEKLY "ERCILLA" SUGGESTS THAT THE COURT WILL PROBABLY UPHOLD THE BORQUEZ RULING. IT NOTES THAT THE RESIGNATION OF USG PROSECUTOR PROPPER AND THE RECENT HARKIN LETTER IS EVIDENCE

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THAT THE U.S. HAS FEW HOPES OF EXTRADITION. THE STORY CLOSED: "THUS, WHILE IN CHILE THE FINAL DECISION IS AWAITED, IN THE U.S. THERE IS NO END -- PERHAPS EVEN JUST THE BEGINNINGS -- OF THE POLITICAL TURMOIL THAT THE SITUATION MAY EVOKE."
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